IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

MFA.No. 442 of 2001(A)

OPMV.1923/1991 of MOTOR ACCIDENT CLAIMS TRIBUNAL, PERUMBAVOOR
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APPELLANTS/RESPONDENTS 3 AND 5:

1.DEPUTY INSPECTOR GENERAL OF POLICE, CBCID, THIRUVANANTHAPURAM.

2.KERALA STATE, REP. BY THE CHIEF SECRETARY, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.NOBLE MATHEW

RESPONDENTS/PETITIONER & RESPONDENTS 1, 2 AND 4:

1.JOY, S/O.UTHUPP, AGED 31, MADATHEDATH HOUSE, KEEZHILLAM KARA, RAYAMANGALAM VILLAGE.

2.DHARMARAJAN, DRIVER, H.C. R-45, CBCID, TRICHUR.

3.M.I.MATHEW, S/O.ITTAN, MYLATTUMOLAYIL HOUSE, THRIKKALATHOOR KARA, MULAVOOR VILLAGE.

4.UNITED INDIA INSURANCE CO. LTD., MUVATTUPUZHA.

BY ADV. SRI.J.JOSEPH FOR R3 AND R4
SMT.SINDHU ELIAS
SMT.P.A.REZIYA

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 02/07/2007 ALONGWITH MFA NO. 443 OF 2001, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.NOS.442 & 443 OF 2001 ()

Dated this the 2nd day of July, 2007

J U D G M E N T

KOSHY,J.

Major ground urged in this case was that Tribunal went wrong in finding of negligence on the part of the driver of the jeep insured by the Insurance company. These appeals were filed challenging the common order passed in four cases. In other two cases the point raised was regarding the amount of compensation awarded and finding of negligence was not disputed by the appellant. Appeals filed from one of the connected cases were dismissed and M.F.A.No.441/2001 filed against O.P.(MV).No.1656/1994 was disposed of by reducing the quantum of compensation. But liability of the appellant and Insurance department was not reduced. The Tribunal considered the evidence in detail and found that the driver of the police jeep was negligent. It is true that since police jeep was involved in the accident, originally case was registered

against the driver of the other vehicle. But later on the basis of a private complaint case was registered against the driver of the police jeep and from the scene mahazar and other evidence adduced in this case, Tribunal correctly found that accident is due to the negligence of the driver of the police jeep. We see no ground to interfere in the matter and hence these appeals are dismissed.

J.B.KOSHY, JUDGE

K.P.BALACHANDRAN, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.NOS.442 & 443 OF 2001 ()

J U D G M E N T

2nd July, 2007